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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,317	06/15/2001	Shuo-Yen Robert Li	Li 6	8436

570 7590 05/31/2006

AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103

EXAMINER

SAM, PHIRIN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/882,317	<b>Applicant(s)</b> LI, SHUO-YEN ROBERT	
	<b>Examiner</b> Phirin Sam	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,8 and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

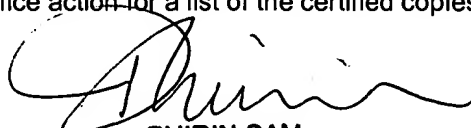
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**PHIRIN SAM  
PRIMARY EXAMINER**

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,714,542 (hereinafter referred as "Tzeng") in view US 6,535,509 (hereinafter referred as "Amicangioli").

Tzeng discloses the invention (**amended claims 1, 11, claims 2, 4-6, and 12**) as claimed including a method for concurrently routing frames through a switch wherein each of the frames is formatted with one of a plurality of formats, the method comprising:

- (a) identifying the format of each of the frames (see Fig. 1, element 24, col. 2, lines 25-40, 46-63, and col. 4, lines 61-65);
- (b) controlling the operation of the switch with reference to the format of each of the frames (see Fig. 1, element 26, col. 4, lines 6-11);

Tzeng does not disclose tracking a connection state of the switch with reference to the format of each of the frames and storing the connection state in a memory register. However, Amicangioli discloses the connection state of the switch with reference to the format of each of the frames and storing the connection state in the memory register (see Figs. 8 and 9, col. 13, lines 26-62, col. 14, lines 10-24). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the connection state of the switch with reference to

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the format of each of the frames and storing the connection state in the memory register teaching by Amicangioli with Tzeng. The motivation for doing so would have been to provide a shorthand of identifying messages associated with a particular connection read on column 3, lines 32-33. Therefore, it would have been obvious to combine Amicangioli and Tzeng to obtain the invention as specified in the claims 1, 2, 4-6, 11, and 12.

**Regarding claims 7 and 9**, Tzeng discloses a method for operating a switch configured with connection states, the method comprising:

- (a) defining a dual-format frame for concurrently routing a plurality of frames through the switch (see Fig. 1, col. 2, lines 10-24);
- (b) identifying at the switch the format of each of the frames (see Fig. 1, col. 2, lines 25-30);

Tzeng does not disclose controlling the connection states of the switch with reference to the format of each of the frames. However, Amicangioli discloses controlling the connection states of the switch with reference to the format of each of the frames (see Fig. 6, col. 10, lines 15-29, 56-65). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine controlling the connection states of the switch with reference to the format of each of the frames teaching by Amicangioli with Tzeng. The motivation for doing so would have been to provide a shorthand of identifying messages associated with a particular connection read on column 3, lines 32-33. Therefore, it would have been obvious to combine Amicangioli and Tzeng to obtain the invention as specified in the claims 7 and 9.

***Allowable Subject Matter***

3. Claims 3, 8, and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 10, 17-20 are allowed.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-2, 6-7, and 11-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: May 29, 2006

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM  
PRIMARY EXAMINER**